

### **REMARKS**

Claims 14 and 48-67 were pending in the application on the March 26, 2009 date of the non-final Office Action. Claims 50, 57, and 64 are being cancelled. Claims 14, 48, 54-55, and 61-62 are being amended. Reconsideration and further examination are requested.

#### **§ 112 Rejections**

Claims 14 and 48-67 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Applicant respectfully disagree. The specification states on page 89:

**The server system 3514 may then use this received input from the RFID gateway to 3830 track the movement of customers 4302 through the store 4300. For example, the server system 3514 may discern a bottleneck of RFID-enabled shopping carts 4306 and alert store workers 3510 to open a new checkout line. The server system 3514 also may record customer “linger” by shelves or products through tracking the RFID-enabled shopping carts 4306. The recorded customer “linger time” may then be later analyzed for a correlation between “linger time” and sales of the corresponding product. The server system 3514 may be used, for example, to provide visualization information of RFID-enabled cart 4304 movement patterns, sales flow of goods (i.e., what sells when), and groups of goods purchased.**

The specification describes tracking movement of “customers” through the store as well as recording customer “linger.” The disclosure does not state recording linger time of a single customer as the Examiner asserts on page 3 of the Office Action. Therefore, claims 14 and 48-67 do comply with the written description requirement and the Applicant respectfully requests the 35 U.S.C. § 112, first paragraph rejection be withdrawn.

Claims 14 and 48-67 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Applicant respectfully disagrees. The Examiner states “the term [or] renders the claims indefinite, since it is not possible to determine the scope of the claim as requiring both items or only one of the items separated by the or. For

purposes of this examination, examiner will give the term its broadest reasonable interpretation and consider that the particular condition is satisfied if one of the limitations is met.” See Office Action, page 4. It is not clear then why the claim has been rejected under 35 U.S.C. § 112, second paragraph since the Examiner states that the particular condition is met if one of the limitations is met. Therefore, the Applicant respectfully requests the 35 U.S.C. § 112, second paragraph rejection be withdrawn.

### § 103 Rejections

Claims 14, 48-49, 51, 54-56, 58, 61-63, and 65 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,129,276 (Jelen) in view of U.S. Patent No. 7,062,454 (Giannini). Claims 50, 53, 57, 60, 64 and 67 were rejected as allegedly being unpatentable over Jelen in view of Giannini and further in view of U.S. Publication No. 2004/0103034 (Reade). Claims 52, 59 and 66 were rejected as allegedly being unpatentable over Jelen in view of Giannini and further in view of Official Notice.

Claim 14 has been amended to incorporate the subject matter of cancelled claim 50, claim 54 has been amended to incorporate the subject matter of cancelled claim 57, and claim 61 has been amended to incorporate the subject matter of cancelled claim 64.

The independent claims have been amended to recite the feature of “analyzing a linger time of a customer or an other customer in a first area where a second product previously purchased by the customer or by the other customer was sold.” The Examiner acknowledges that Jelen does not teach these features and relies on Giannini for an alleged teaching. The Applicant respectfully disagrees.

The cited portions of Giannini state that “when shopping, customer often feel pressured to try on the accessories more quickly than they would like to. For example the customer may feel that lingering in front of an accessory display or consulting with sales associated for long periods of time would be inconsiderate to other customer. This is especially true if the accessories for sale are locked behind a glass displayed, which is accessible only to store employees. Consequently the customer may try on fewer accessories than he or she would like to try on and may be pressured to purchase items than they, may not be fully satisfied with.” See Col. 1, lines 40-55. This is not a teaching

or suggestion of any **"linger time** of a customer . . . in a first area where a second product **previously purchased** by the customer . . . was sold," as recited in claim 1. Giannini merely mentions customer lingering bothering other customers. Applicant submits this lingering by an item is not a teaching or suggestion of the linger time as claimed, since Giannini doesn't ever calculate any **linger time**. Furthermore, Giannini is silent on any teaching or suggestion of "a second product **previously purchased** by the customer or by the other customer," as recited in claim 1.

The independent claims have also each been amended to recite the feature of "determining a route between a second area associated with the first product and the first location associated with the second product; and outputting information describing the route on the electronic device." The Examiner acknowledges that Jelen does not teach these features and relies on Reade for an alleged teaching citing paragraph [0019]. The Applicant respectfully disagrees.

Paragraph [0019] states that "if the user has "toothpaste" entered on the list, the display device showing the list can provide icons next to the word "toothpaste" on the list to show that additional information is available. A map icon can, when selected (e.g., clicked, touched in a touch-sensitive screen, etc.) provide an indication of product location (e.g., "aisle 8, front") or a map showing where toothpaste is located in the store. The map can be a simple line drawing indicating aisles and aisle numbers, with lines and arrows showing the suggested route relative to the consumer's current position or a specified starting position." Reade does not determine "a route between a second area associated with the first product and the first location associated with the second product," but rather displays a map from the consumer's current position or a specified starting position. Reade doesn't even take into consideration two locations of two different products, and instead is only concerned with the consumer's current position or a specified starting position. Therefore, Reade does not teach or suggest "determining a route between a second area associated with the first product and the first location associated with the second product; and outputting information describing the route on the electronic device, as recited in claim 14.

Dependent claims 53, 60, and 67 recite “receiving the product identifier further comprises receiving spoken information describing the first product.” The Examiner acknowledges that Jelen does not teach these features and relies on Reade for an alleged teaching citing paragraph [0015]. The Applicant respectfully disagrees.

Paragraph [0015] of Reade states “the consumer's current shopping list can be automatically displayed on a display device, and can show which items remain to be purchased after selected items are scanned and marked as acquired on the list. Alternatively, for vision-impaired consumers, “display” of the list and its status can comprise a tactile system such as a dynamic Braille display output device or audio signals, such as a **synthesized voice which speaks the list and the status of the items**. When display of information comprises an audio signal, the signal can also include **spoken directions about the location of a product on the list**, or an indication as to which product is closes, or a recommended optimum route for retrieving the listed items.” Reade, therefore, is speaking the customer's list and whether the items on the list have been completed as well as providing spoken directions about the location of a product on the list. Reade, however, does not receive “**as the product information** spoken information **describing the first product**,” as recited in claim 1. Providing a voice about status of items as well as providing directions about the location of a product is not a teaching or suggestion of “receiving the product identifier further comprises receiving spoken information describing the first product,” because the voice is not receiving the product information. The Reade system also has the list of products, the system is merely speaking it out for the consumer to let them know what the status of the items are. Therefore, Reade does not teach or suggest “receiving the product identifier further comprises receiving spoken information describing the first product,” as recited in claim 14.

The Applicant respectfully request withdrawal of the 35 U.S.C. 103(a) rejection. The other claims in the application are each dependent on these independent claims and are allowable over the applied reference for at least the same reasons.

Conclusion

For the foregoing reasons, the Applicant submits that all the claims are in condition for allowance. By responding in the foregoing remarks only to particular positions taken by the Examiner, the Applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the Applicant selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, the Applicant's decision to amend or cancel any claim should not be understood as implying that the Applicant agrees with any positions taken by the Examiner with respect to that claim or other claims.

Please apply any charges not otherwise paid or any credits to deposit account 06 1050.

Respectfully submitted,

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Leila R. Abdi  
Reg. No. 52,399

Customer No. 32864  
Fish & Richardson P.C.  
Telephone: (404) 892-5005  
Facsimile: (877) 769-7945